

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA  
AT Ketchikan

Teri Bermudez, Personal Representative  
of Estate of Tonya Vonda

Plaintiff(s),

vs.

PeachHealth dba PeaceHealth Ketchikan  
Medical Center and NES Healthcare  
Group, Inc.

Defendant(s).

RECEIVED

MAR 22 2017

SEAK Professional Service

CASE NO. 1KE-16-514 CI

SUMMONS  
AND  
NOTICE TO BOTH PARTIES  
OF JUDICIAL ASSIGNMENT

To Defendant: Peace Health, NES Health care

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at (address):  
within 20 days\* after the day you receive this summons.

In addition, a copy of your answer must be sent to:

Plaintiff's attorney or plaintiff (if unrepresented): Teri Bermudez  
Address: 832 Buren Rd Unit 88  
Ketchikan, AK 99901

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at [www.state.ak.us/courts/forms.htm](http://www.state.ak.us/courts/forms.htm), to inform the court.

-OR-

If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(l).

NOTICE OF JUDICIAL ASSIGNMENT

To: Plaintiff and Defendant



You are hereby given notice that this case has been assigned to Judge William B. Carey

CLERK OF COURT

By: Deborah Fowler

Deputy Clerk

11-25-16  
Date

\* The state or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

CIV-100 (2/06)(st.3)  
SUMMONS

Civil Rules 4, 5, 12, 42(c), 55

EXHIBIT B

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT KETCHIKAN

TERRI BERMUDEZ, Personal Representative of  
the Estate of Tonya Vonda, ~~Jordan Vonda,~~  
Plaintiff, ~~Derek Holzwa~~

v.

PEACEHEALTH d/b/a PEACEHEALTH  
KETCHIKAN MEDICAL CENTER and NES  
HEALTHCARE GROUP, INC.

Defendants.

Case No. 1KE-16- 514 CI

FILED in the Trial Courts  
State of Alaska First District  
at Ketchikan

NOV 25 2016

Clerk of the Trial Courts

Dep't

COMPLAINT FOR DAMAGES

Plaintiff Terri Bermudez, personal representative of the estate of Tonya Vonda, alleges against the defendants as follows:

PARTIES, JURISDICTION AND VENUE

1. The plaintiff is the personal representative of the estate of Tonya Vonda, and brings this claim on behalf of the statutory wrongful death beneficiaries, who have also signed this complaint.

2. Defendant PeaceHealth, d/b/a PeaceHealth Ketchikan Medical Center ("PeaceHealth"), is a Washington nonprofit corporation, doing business in Ketchikan as PeaceHealth Ketchikan Medical Center. At all relevant times, PeaceHealth, including its directors, officers, operators, administrators, employees, agents, and staff provided health care services at the PeaceHealth Ketchikan Medical Center in Ketchikan, Alaska.

3. Defendant NES Healthcare Group, Inc. ("NES") is a foreign corporation, doing business in Ketchikan by providing physicians to staff the PeaceHealth emergency department. At all relevant times, NES, including its directors, officers, operators, administrators, employees, agents, and staff provided health care services at the PeaceHealth Ketchikan Medical Center in Ketchikan, Alaska.

4. At all relevant times, those directors, officers, operators, administrators, employees, agents, and staff were employed by and/or acting on behalf of the defendants. The defendants is therefore responsible for the negligent acts of their employees and agents under the doctrine of *respondereat superior*.

5. This court has subject matter jurisdiction pursuant to AS 22.10.020.

6. This court has personal jurisdiction over the defendants under AS 09.05.015(a)(1)(C).

COMPLAINT FOR DAMAGES  
Estate of Vonda v. PeaceHealth Ketchikan  
Page 1 of 3

THIS MATTER IS  
FORMALLY ASSIGNED TO  
WILLIAM B. CAREY  
SUPERIOR COURT JUDGE  
EXHIBIT B

7. Venue is proper in Ketchikan pursuant to Ak. R. Civ. P. 3(c).

---

FACTUAL BACKGROUND

---

8. On or about November 23, 2014, Tonya Vonda ("the decedent"), presented at the PeaceHealth emergency department with nausea, vomiting, stomach pain, fever, headache, sore throat and other symptoms. After lab tests, she was diagnosed with acute viral gastroenteritis, treated, and instructed to return if her condition worsened.

9. On or about November 26, 2014, the decedent returned to the PeaceHealth emergency department with worsening symptoms. Without lab tests, she was diagnosed with a sore throat but received no substantive evaluation and received no meaningful treatment.

10. On or about November 27, 2014, the decedent was returned by EMTs to the PeaceHealth emergency department with worsening symptoms. She was admitted to the ICU but shortly thereafter suffered acute respiratory failure and died.

11. An autopsy ultimately revealed the decedent died of sepsis and was also suffering from pneumonia and a urinary tract infection.

---

FIRST CAUSE OF ACTION: NEGLIGENCE

---

12. The defendants had a duty to exercise the standard and degree of care and skill required of health care providers.

13. The defendants, and the employees and agents for whose conduct they are responsible, breached that duty by:

13.1 Failing to properly examine the decedent;

13.2 Failing to properly diagnose the decedent;

13.3 Failing to properly treat the decedent;

13.4 Discharging the plaintiff without adequate follow up; and

13.5 Otherwise failing to exercise appropriate care under the circumstances.

14. This breach of duty caused the decedent's death and the wrongful death beneficiaries' continuing injuries.

15. The defendants are therefore liable.

COMPLAINT FOR DAMAGES

Estate of Vonda v. PeaceHealth Ketchikan

Page 2 of 3

EXHIBIT B  
3 OF 4



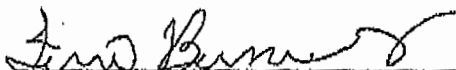
RELIEF SOUGHT

As a direct result of the defendants' negligence, the decedent and her statutory wrongful death beneficiaries have suffered substantial damages, the exact amount to be proven at trial but in an amount exceeding the jurisdictional limit of this court.


WHEREFORE, the plaintiff requests judgment against the defendants as follows:

1. Wrongful death damages;
2. Predeath pain and suffering;
3. General damages;
4. Punitive damages;
5. Prejudgment and postjudgment interest;
6. Attorney fees;
7. Allowable costs; and
8. Such further relief as the court deems appropriate.

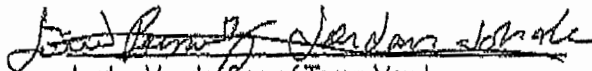
DATED this 25<sup>th</sup> day of November, 2016.

  
Terri Bermudez, Personal Representative  
Estate of Tonya Vonda  
832 Buren Road, Unit 88  
Ketchikan, AK 99901  
(907) 220-6967

DATED this 25<sup>th</sup> day of November, 2016.

  
Derek Arnold Holzwart, Husband of Tonya Vonda  
30806 Gladys  
Westland, MI 48185  
(734) 673-3055

DATED this 25<sup>th</sup> day of November, 2016.

  
Jordan Vonda, Son of Tonya Vonda  
% Ketchikan Correctional Center  
1201 Schoenbar Road  
Ketchikan, Alaska 99901-6270